

JOHNSTOWN REDEVELOPMENT AUTHORITY
SPECIAL MEETING VIA ZOOM
Thursday, January 28, 2021

The Johnstown Redevelopment Authority met in a stated session for the general transaction of business. Monsignor Balta, Chairman, called the meeting to order at 1:00 p.m. The Pledge of Allegiance was recited. Monsignor Balta offered the invocation.

The following members of the Authority were present for roll call:

Monsignor Balta, Jack Babich, Bruce Haselrig, Mark Pasquerilla,
Richard Truscello (5).

William Barbin, Esquire, Solicitor; Melissa Komar, Executive Director.
Judith D. Cassel, Esquire, Counsel for Hanging Gardens, was also present.

PUBLIC COMMENTS CONCERNING AGENDA ITEMS

None.

BOARD DISCUSSION OF REAL ESTATE MATTERS

Authority members discussed the lot subdivisions along Iron Street. Mr. Babich requested clarification of the resolutions. Mr. Barbin explained that he had spoken repeatedly with Counsel for Hanging Gardens regarding the \$60,000 property appraisal, that the Board would consider proposals and make a decision whether the property should be divided in any way, and what part of it could be conveyed. He noted that it was still the Board's decision. There was further discussion.

Judith D. Cassel, Esquire, wanted a chance to offer comments. Mr. Barbin stated she has the right to offer public comment under the Sunshine Law and was offered the opportunity to do so at this time.

Ms. Cassel explained that a proposal was recently circulated consistent with the original bid for the property as advertised. A proposed agreement was also submitted to purchase the property as advertised, which is a building currently under operation with Hanging Gardens as well as the parking lot. He desired to purchase that for \$1 million. She noted willingness to allow the blacksmith neighbor to have some parking and would be willing to carve out pursuant to what Mr. Barbin had proposed a place within the parking lot where the blacksmith could rent at \$1 a year up until the time that they would be able to verify or prove that we have 200 employees working at that facility. In that case, additional parking would be need, as well as full access to the parking

lot. She noted that in their agreement proposal they were also suggesting to pay the transfer tax.

Mr. Pasquerilla commented that he supports CMA and stated Executive Director Komar has worked hard to accommodate Hanging Gardens and that the property should be subdivided. He supports the proposed agreement as drafted by Mr. Barbin.

Mr. Truscello was in agreement that there are two very viable players here.

Mr. Haselrig was also in agreement.

Monsignor Balta commented that if Hanging Gardens can provide 200 jobs, "We would make sure we can find 200 parking places for them."

C. A RESOLUTION OF THE REDEVELOPMENT AUTHORITY OF THE CITY OF JOHNSTOWN AUTHORIZING A LOT SUBDIVISION FOR TAX MAP PARCEL 84-000-102.001 OWNED BY XENA CORPORATION LOCATED ALONG IRON STREET, JOHNSTOWN, PA.

Mr. Babich made a motion to approve. The motion was seconded by Mr. Pasquerilla and passed by the following vote:

Yeas: Monsignor Balta, Mr. Babich, Mr. Haselrig, Mr. Pasquerilla,
Mr. Truscello (5).
Nays: None (0).

D. A RESOLUTION OF THE REDEVELOPMENT AUTHORITY OF THE CITY OF JOHNSTOWN, AUTHORIZING A LOT SUBDIVISION FOR TAX MAP PARCEL 84-000-102.000 LOCATED ALONG IRON STREET, JOHNSTOWN, PA.

Mr. Pasquerilla made a motion to approve. The motion was seconded by Mr. Haselrig.

Mr. Barbin explained this is regarding the Johnstown Hydraulics property at the far end of the Pipelines building.

The motion passed by the following vote:

Yeas: Monsignor Balta, Mr. Babich, Mr. Haselrig, Mr. Pasquerilla,
Mr. Truscello (5).
Nays: None (0).

Mr. Barbin explained the motion just taken was to subdivide the parking lot. JRA was not in any position to approve conveying any property to Hanging Gardens at this point. Mr. Barbin clarified that two proposals were received, one being a binder proposal from one party about the investments they were going to make and what they needed to do for those investments. The Board decided that the Xena property needed to be divided in part. JRA has nothing to sell now because it had not agreed to sell what her client was asking for. Her client's proposal was rejected.

Mr. Barbin further noted that JRA did not have an agreement of sale that matched what it intended. Ms. Cassel stated she was only asking for clarification. Mr. Barbin and Ms. Cassel had further dialog regarding the matter.

Ms. Cassel was asked to contact her client regarding the matter while members stayed on the line.

(WHEREUPON, A PAUSE IN THE RECORD WAS HELD.)

The meeting was reconvened.

Mr. Barbin explained that if Ms. Cassel's client agrees, the next item on the agenda would be a motion to approve the Agreement of Sale to Hanging Gardens consistent with the subdivision plan and payment of \$1 million and any other current debts to the Authority. Mr. Pasquerilla noted the buyer would also pay the transfer tax. There was further discussion regarding the matter.

Ms. Cassel was back on the line with a settlement proposal that Hanging Gardens would pay for the parking lot and the building, lease a small area for the blacksmith, if the buyer needs more parking spaces, those would be provided, and will pay the back rent and back utilities upon closing, including the transfer tax.

Monsignor Balta clarified that Hanging Gardens may lease the small area of property as well, that JRA would not lease that property to anybody, but rather that be common property.

Mr. Pasquerilla made a motion to approve an Agreement of Sale to Hanging Gardens consistent with the subdivision plan that was proposed for the amount of \$1 million and any other current debts owed to the Johnstown Redevelopment Authority. The motion was seconded by Mr. Truscello.

Mr. Barbin will make certain the Agreement of Sale contains all the terms that Attorney Cassel agreed to this morning.

The motion passed by the following vote:

**Yeas: Monsignor Balta, Mr. Babich, Mr. Haselrig, Mr. Pasquerilla,
Mr. Truscillo (5).**

Nays: None (0).

Mr. Barbin asked for approval of a Buyer/Seller Agreement that Hanging Gardens had sent to the environmental person and Mrs. Komar in connection with the Act 2 certification of the property. He noted this was done in 2004 but the prior Executive Director never took the final step to get final approval from DEP. Mr. Barbin stated he modified this Buyer/Seller Agreement and sent it to them and asked that any future environmental actions required be taken by the buyer and not by JRA. He asked for approval of that agreement.

Mr. Pasquerilla made a motion to approve the Buyer/Seller Agreement. The motion was seconded by Mr. Haselrig and passed by the following vote:

**Yeas: Monsignor Balta, Mr. Babich, Mr. Haselrig, Mr. Pasquerilla,
Mr. Truscillo (5).**

Nays: None (0).

(WHEREUPON, A PAUSE IN THE RECORD WAS HELD DUE TO A
TECHNICAL PROBLEM.)

The meeting was reconvened at 1:45 p.m.

TABLED MATTERS

None.

NEW BUSINESS/ANNOUNCEMENTS/DISCUSSION ITEMS

None.

PUBLIC COMMENT (ITEMS NOT ON AGENDA)

None.

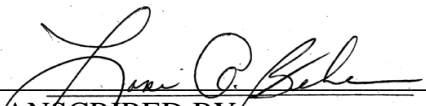
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ADJOURNMENT

Mr. Babich made a motion to adjourn. The motion was seconded by Mr. Truscello and passed unanimously.

There being no further business, the special meeting was adjourned at 1:50 p.m.



TRANSCRIBED BY:
SARGENT'S COURT REPORTING
SERVICE, INC.

BRUCE HASELRIG,
SECRETARY